HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.24110, 24117, 24124 and 24135 of 2006

Dated:20.11.2006

Between:

Pentakota Parvathi and others.

…Petitioner

and

The District Collector and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.24110, 24117, 24124 and 24135 of 2006

COMMON ORDER:

The petitioners in these Writ Petitions allegedly own residential houses constructed on the land in Survey No.11 situated at Ayyappa Nagar, Kapparada Area in Visakhapatnam. They allege that they purchased the property under agreements of sale and are in possession. It is their further allegation that on 08.11.2006, the third respondent came to their premises and asked to vacate the houses and also threatened with dire consequences. Apprehending dispossession, the petitioners invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

Learned Counsel for the petitioners vehemently contends that the petitioners have cogent and convincing evidence in proof of their title, that the land where the petitioners' houses are constructed is not Government land, and that without due process of law, the respondents cannot be permitted to resort to highhanded action. **Opposing** the Writ Petitions, the learned Assistant Government Pleader submits that the Mandal Revenue Officer (MRO) never interfered with the petitioners' possession. He also does not dispute the legal position canvassed by the learned Counsel for the petitioners.

This Court is not inclined to go into the controversy whether the petitioners are squatting in the Government lands or not. It is a question of fact, which has to be decided before appropriate forum. This Court is also convinced that there is no necessary material placed before this Court to draw a positive inference in favour of the petitioners that there is a serious threat of dispossession. Therefore, while dismissing the Writ Petitions this Court observes that if for any reason, the petitioners have to be evicted, the third respondent has to issue notice, obtain explanation from the petitioners and then only can take necessary action under the Andhra Pradesh Land Encroachment Act, 1905.

The Writ Petitions, with the above observations, are accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

20.11.2006

Note: Issue C.C by tomorrow.

B/o.

vs